



Sen. John J. Cullerton

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1 AMENDMENT TO HOUSE BILL 1875

2 AMENDMENT NO. _____. Amend House Bill 1875 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-12-1, 3-12-2, 3-12-3, 3-12-3a, 3-12-5,
6 3-12-8, and 3-12-11 as follows:

7 (730 ILCS 5/3-12-1) (from Ch. 38, par. 1003-12-1)

8 Sec. 3-12-1. Useful Employment. The Department shall, in so
9 far as possible, employ at useful work committed persons
10 confined in institutions and facilities of the Department, who
11 are over the age of compulsory school attendance, physically
12 capable of such employment, and not otherwise occupied in
13 programs of the Department. Such employment shall equip such
14 persons with marketable skills, promote habits of work and
15 responsibility and contribute to the expense of the employment
16 program and the committed person's cost of incarceration.
17 Recognizing that a program which duplicates as closely as
18 possible free-world production and service operations in order
19 to aid inmates in adjustment after release and to prepare
20 inmates for gainful employment is in the best interests of the
21 State, inmates, and the general public, the Department shall
22 contract with a nonprofit private corporation to lease and
23 manage the correctional employment programs of the Department
24 of Corrections under the requirements in the Illinois

1 Procurement Code. It is the intent of the General Assembly that
2 for Fiscal Year 2005 only, the changes made to the correctional
3 employment programs by this amendatory Act of the 93rd General
4 Assembly shall be implemented without increasing the relevant
5 line items of appropriation to the Department relating to
6 correctional employment programs that were appropriated to the
7 Department for that purpose in Fiscal Year 2004, if reasonably
8 possible.

9 (Source: P.A. 86-450.)

10 (730 ILCS 5/3-12-2) (from Ch. 38, par. 1003-12-2)

11 Sec. 3-12-2. Types of employment.

12 (a) The Department and the non-profit private corporation
13 authorized to lease and manage correctional employment
14 programs may establish, maintain, train and employ committed
15 persons in industries for the production of articles, materials
16 or supplies for resale to authorized purchasers. They ~~It~~ may
17 also employ committed persons on public works, buildings and
18 property, the conservation of natural resources of the State,
19 anti-pollution or environmental control projects, or for other
20 public purposes, for the maintenance of the Department's
21 buildings and properties and for the production of food or
22 other necessities for its programs. The Department and the
23 non-profit private corporation authorized to lease and manage
24 correctional employment programs may establish, maintain and
25 employ committed persons in the production of vehicle
26 registration plates. A committed person's labor shall not be
27 sold, contracted or hired out by the Department except under
28 this Article and under Section 3-9-2.

29 (b) Works of art, literature, handicraft or other items
30 produced by committed persons as an avocation and not as a
31 product of a work program of the Department may be sold to the
32 public under rules and regulations established by the
33 Department. The cost of selling such products may be deducted

1 from the proceeds, and the balance shall be credited to the
2 person's account under Section 3-4-3. The Department shall
3 notify the Attorney General of the existence of any proceeds
4 which it believes should be applied towards a satisfaction, in
5 whole or in part, of the person's incarceration costs.

6 (Source: P.A. 88-669, eff. 11-29-94; 88-679, eff. 7-1-95.)

7 (730 ILCS 5/3-12-3) (from Ch. 38, par. 1003-12-3)

8 Sec. 3-12-3. Vocational Training.

9 The Department and the non-profit private corporation
10 authorized to lease and manage correctional employment
11 programs shall maintain programs of training in various
12 vocations and trades in connection with its employment programs
13 and shall also provide opportunities for training outside
14 working hours.

15 (Source: P.A. 77-2097.)

16 (730 ILCS 5/3-12-3a) (from Ch. 38, par. 1003-12-3a)

17 Sec. 3-12-3a. (a) (Blank). ~~Contracts, leases and business~~
18 ~~agreements. The Department may enter into a contract, lease or~~
19 ~~any other type of business agreement, not to exceed 20 years,~~
20 ~~with any private corporation, partnership, person or other~~
21 ~~business entity for the purpose of utilizing committed persons~~
22 ~~in the manufacture of goods or wares, in the provision of~~
23 ~~services or for any other business or commercial enterprise~~
24 ~~deemed by the Department to be consistent with proper training~~
25 ~~and rehabilitation of committed persons.~~

26 (b) The Department shall be permitted to construct
27 buildings on State property for the purposes identified in
28 subsection (a) and to lease for a period not to exceed 20 years
29 any building or portion thereof on State property for the
30 purposes identified in subsection (a).

31 (c) Any contract, lease or other business agreement
32 referenced in subsection (a), shall include a provision

1 requiring that all committed persons assigned receive in
2 connection with their assignment such vocational training
3 and/or apprenticeship programs as the Department deems
4 appropriate.

5 (d) Committed persons assigned in accordance with this
6 Section shall be compensated in accordance with the provisions
7 of Section 3-12-5.

8 (Source: P.A. 86-450.)

9 (730 ILCS 5/3-12-5) (from Ch. 38, par. 1003-12-5)

10 Sec. 3-12-5. Compensation. Persons performing a work
11 assignment under subsection (a) of Section 3-12-2 may receive
12 wages under rules and regulations of the Department. In
13 determining rates of compensation, the Department and the
14 non-profit private corporation authorized to lease and manage
15 correctional employment programs shall consider the effort,
16 skill and economic value of the work performed. Compensation
17 may be given to persons who participate in other programs of
18 the Department. Of the compensation earned pursuant to this
19 Section, a portion, as determined by the Department, shall be
20 used to offset the cost of the committed person's
21 incarceration. If the committed person files a lawsuit
22 determined frivolous under Article XXII of the Code of Civil
23 Procedure, 50% of the compensation shall be used to offset the
24 filing fees and costs of the lawsuit as provided in that
25 Article until all fees and costs are paid in full. All other
26 wages shall be deposited in the individual's account under
27 rules and regulations of the Department. The Department shall
28 notify the Attorney General of any compensation applied towards
29 a satisfaction, in whole or in part, of the person's
30 incarceration costs.

31 (Source: P.A. 90-505, eff. 8-19-97.)

32 (730 ILCS 5/3-12-8) (from Ch. 38, par. 1003-12-8)

1 Sec. 3-12-8. Purchase and Control of Supplies.

2 The Department and the non-profit private corporation
3 authorized to lease and manage correctional employment
4 programs may enter into contracts for the purchase of raw
5 materials required for industrial production and shall have
6 charge of articles, materials and supplies manufactured for
7 sale to purchasers.

8 (Source: P.A. 77-2097.)

9 (730 ILCS 5/3-12-11) (from Ch. 38, par. 1003-12-11)

10 Sec. 3-12-11. Report to the General Assembly. By November
11 1st of each year, the Department shall furnish to the General
12 Assembly a report with respect to the following factors for the
13 preceding fiscal year:

14 (a) A balance sheet;

15 (b) A financial statement, including profit or loss
16 figures;

17 (c) The number and location of industries;

18 (d) The quantity of each good produced;

19 (e) The cost of materials and labor;

20 (f) Sales and actual receipts, by purchaser and in total;

21 (g) The average length of time between the receipt of
22 orders and delivery;

23 (h) The average length of time between delivery and receipt
24 of payment;

25 (i) The number of residents employed in each facility and
26 industry, the number of vacancies occurring throughout the
27 year, whether or not they have been subsequently filled, and
28 the reasons for such vacancies; ~~and~~

29 (j) Beginning on November 1, 1981, recidivism and
30 employment statistics on former resident employees; and

31 (k) Beginning January 1, 2006, data required in clauses (a)
32 through (j) of this Section shall include comparisons of the
33 not-for-profit's and the Department's activities.

1 (Source: P.A. 81-1507.)

2 Section 10. The Drug Court Treatment Act is amended by
3 changing Sections 15, 25, 30, and 35 as follows:

4 (730 ILCS 166/15)

5 Sec. 15. Authorization. The Chief Judge of each judicial
6 circuit must ~~may~~ establish, in each county in the circuit with
7 a population exceeding 50,000, a drug court program including
8 the format under which it operates under this Act. A Chief
9 Judge may establish, in any county in the circuit with a
10 population of 50,000 or less, a drug court program including
11 the format under which it operates under this Act.

12 (a) During the first 4 months in which the program is
13 operating, a drug court program required under this Section
14 must serve at least 25% of the average number of offenders that
15 were tried and sentenced on eligible drug charges within the
16 last 3 years.

17 (b) A program required under this Section shall apply to
18 the federal government for funds available to pay the costs of
19 the program. The Criminal Justice Information Authority and the
20 Office of Alcohol and Substance Abuse in the Department of
21 Human Services shall assist the operating entities in applying
22 for federal funds as required by this subsection, including
23 providing financial assistance.

24 (c) A judicial circuit that does not establish a drug court
25 program under this Section is ineligible to receive funds from
26 the Illinois Criminal Justice Information Authority.

27 (Source: P.A. 92-58, eff. 1-1-02.)

28 (730 ILCS 166/25)

29 Sec. 25. Procedure.

30 (a) The court shall order an eligibility screening and an
31 assessment of the defendant by an agent designated by the State

1 of Illinois to provide assessment services for the Illinois
2 Courts. An assessment need not be ordered if the court finds a
3 valid assessment related to the present charge pending against
4 the defendant has been completed within the previous 60 days.

5 (b) The judge shall inform the defendant that if the
6 defendant fails to meet the conditions of the drug court
7 program, eligibility to participate in the program may be
8 revoked and the defendant may be sentenced or the prosecution
9 continued as provided in the Unified Code of Corrections for
10 the crime charged.

11 (c) The defendant shall execute a written agreement as to
12 his or her participation in the program and shall agree to all
13 of the terms and conditions of the program, including but not
14 limited to the possibility of sanctions or incarceration for
15 failing to abide or comply with the terms of the program.

16 (d) In addition to any conditions authorized under the
17 Pretrial Services Act and Section 5-6-3 of the Unified Code of
18 Corrections, the court may order the defendant to complete
19 substance abuse treatment in an outpatient, inpatient,
20 residential, or jail-based custodial treatment program. Any
21 period of time a defendant shall serve in a jail-based
22 treatment program may not be reduced by the accumulation of
23 good time or other credits and may be for a period of up to 120
24 days.

25 (e) The drug court program shall include a regimen of
26 graduated requirements and rewards and sanctions, including
27 but not limited to: fines, fees, costs, restitution,
28 incarceration of up to 180 days, individual and group therapy,
29 drug analysis testing, close monitoring by the court at a
30 minimum of once every 30 days and supervision of progress,
31 educational or vocational counseling as appropriate, and other
32 requirements necessary to fulfill the drug court program.

33 (f) The Administrative Office of the Illinois Courts shall
34 provide training and assistance for the development and

1 implementation of a drug court program.

2 (g) The Illinois Criminal Justice Information Authority
3 shall report to the General Assembly a summary of evaluative
4 findings of the quantitative and qualitative data regarding the
5 federal funding implementation and effectiveness of the drug
6 court programs established as a result of these requirements.

7 The report shall be submitted to the General Assembly no later
8 than December 31, 2008.

9 (Source: P.A. 92-58, eff. 1-1-02.)

10 (730 ILCS 166/30)

11 Sec. 30. Substance abuse treatment.

12 (a) The drug court program shall maintain a network of
13 substance abuse treatment programs representing a continuum of
14 graduated substance abuse treatment options commensurate with
15 the needs of defendants.

16 (b) Any substance abuse treatment program to which
17 defendants are referred must meet all of the rules and
18 governing programs in Parts 2030 and 2060 of Title 77 of the
19 Illinois Administrative Code.

20 (c) The drug court program may, at its discretion, employ
21 additional services or interventions, as it deems necessary on
22 a case by case basis.

23 (d) The Department of Human Services must make drug
24 treatment services available to programs in the participating
25 jurisdictions.

26 (Source: P.A. 92-58, eff. 1-1-02.)

27 (730 ILCS 166/35)

28 Sec. 35. Violation; termination; discharge.

29 (a) If the court finds from the evidence presented
30 including but not limited to the reports or proffers of proof
31 from the drug court professionals that:

32 (1) the defendant is not performing satisfactorily in

1 the assigned program;

2 (2) the defendant is not benefitting from education,
3 treatment, or rehabilitation;

4 (3) the defendant has engaged in criminal conduct
5 rendering him or her unsuitable for the program; or

6 (4) the defendant has otherwise violated the terms and
7 conditions of the program or his or her sentence or is for
8 any reason unable to participate;

9 the court may impose reasonable sanctions under prior written
10 agreement of the defendant, including but not limited to
11 imprisonment or dismissal of the defendant from the program and
12 the court may reinstate criminal proceedings against him or her
13 or proceed under Section 5-6-4 of the Unified Code of
14 Corrections for a violation of probation, conditional
15 discharge, or supervision hearing.

16 (b) Upon successful completion of the terms and conditions
17 of the program, the court must ~~may~~ dismiss the original charges
18 against the defendant or successfully terminate the
19 defendant's sentence or otherwise discharge him or her from any
20 further proceedings against him or her in the original
21 prosecution.

22 (Source: P.A. 92-58, eff. 1-1-02.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.".